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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE CAPACITORS ANTITRUST
LITIGATION

Case No. 3:14-cv-03264-JD

THIS DOCUMENT RELATES TO:

**STIPULATION AND [PROPOSED]
ORDER SETTING SCHEDULE FOR
RESPONSIVE PLEADINGS AND/OR
MOTIONS TO DISMISS PLAINTIFFS'
AMENDED COMPLAINTS BY SHIZUKI
ELECTRIC CO., INC. AND AMERICAN
SHIZUKI CORPORATION**

ALL DIRECT PURCHASER CLASS ACTIONS

Pursuant to Civil Local Rule 6-2, Direct Purchaser Plaintiffs (“DPPs”), Defendants Shizuki Electric Co., Inc. (“Shizuki”) and American Shizuki Corporation (“ASC”) respectfully request that the Court enter the following stipulation setting Defendants Shizuki’s and ASC’s deadline to serve responsive pleadings to the DPPs’ Second Amended Complaints.

1 **I. FACTUAL BACKGROUND**

2 In support of this stipulation, the undersigned parties provide the following facts, which are
3 verified in the concurrently filed Declaration of Allison Davis:

4 A. On November 14, 2014, DPPs filed their Consolidated Class Action Complaint
5 pursuant to the Court's Scheduling Order (Dkt. 342). On December 19, 2014, Defendants in that
6 action filed joint and individual motions to dismiss the Consolidated Complaints (Dkts. 474, 475,
7 479, and 480).

8 B. On May 26, 2015, the Court issued an Order on Motions to Dismiss (Dkt. 710)
9 granting in part and denying in part Defendants' motions to dismiss the Consolidated Complaints
10 and directing DPPs to file amended complaints or notices of intent not to amend by June 26, 2015.

11 C. On June 16, 2015, DPPs filed their Amended Complaint in which Shizuki and ASC
12 were named as additional defendants. Shizuki and ASC were not named as defendants in any
13 previously filed complaint and have not been parties to any proceedings in the Capacitor Antitrust
14 Litigation.

15 D. On July 7, 2015 ASC was served with the Summons and Amended Complaint by
16 DPPs.

17 E. Shizuki received a copy of the Summons and Direct Purchaser Class Action
18 Amended Complaint by mail in Japan with a waiver of service form dated June 26, 2015. The
19 waiver of service form was executed on behalf of Shizuki as of July 24, 2015 and served on
20 Plaintiffs' counsel. Under Rule 4(d)(3), F.R. Civ. Pro., Shizuki is provided 90 days to answer
21 from June 26, 2015.

22 F. Shizuki and ASC's counsel is now informed that the DPPs have been ordered to
23 file a Second Amended Complaint that has been provided to counsel for Shizuki and ASC. That
24 Second Amended Complaint purports to join claims by Flextronics to the claims of the DPPs.
25 Flextronics had never before named or served Shizuki or ASC as defendants in its action, but
26 purports to list them as defendants on its claims in the Second Amended Complaint.

1 G. The parties have discussed and agreed upon the following schedule for responsive
2 pleadings and/or motions to dismiss by Shizuki and ASC with respect to DPPs' Second Amended
3 Complaint:

4 1. Defendants Shizuki and ASC will answer, file motions to dismiss, or
5 otherwise respond to DPPs' Second Amended Complaint by October 2, 2015.

6 2. If Defendants Shizuki or ASC file motions to dismiss DPPs' Second
7 Amended Complaint, Plaintiffs will file their oppositions to any such motion(s) by October 19,
8 2015, and Defendants will file replies in support of their motion(s) by October 30, 2015.

9 H. The parties have not previously requested any time modifications with respect to
10 these Defendants' responses to any of Plaintiffs' Complaints, either by stipulation or Court order.
11 *See Civil L.R. 6-2(a)(2).*

12 **II. STIPULATION**

13 In light of the above facts, the parties jointly request that the Court enter the following
14 stipulation as an Order of the Court:

15 A. Defendants will answer, file motions to dismiss, or otherwise respond to DPPs'
16 Second Amended Complaints by October 2, 2015. If Defendants Shizuki and/or ASC file motions
17 to dismiss DPPs' second amended complaints, Plaintiffs will file their oppositions to any such
18 motion(s) by October 19, 2015, and Defendants will file replies in support of their motion(s) by
19 October 30, 2015.

20 DATED: July 28, 2015

JOSEPH SAVERI LAW FIRM, INC.

21 By: /s/ Joseph R. Saveri

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Pursuant to Civil L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories above.

Dated: July 28, 2015

By: /s/Allison A. Davis

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

By: _____

Honorable James Donato
United States District Court Judge